

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 65th LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chair Alan Doane, on February 27, 2017 at 8:00 AM, in Room 137
Capitol

ROLL CALL

Members Present:

Rep. Alan Doane, Chair (R)
Rep. Seth Berglee, Vice Chair (R)
Rep. Virginia Court, Vice Chair (D)
Rep. Laurie Bishop (D)
Rep. Bob Brown (R)
Rep. Jennifer Eck (D)
Rep. Bill Harris (R)
Rep. Kathy Kelker (D)
Rep. Casey Knudsen (R)
Rep. Theresa Manzella (R)
Rep. Dale Mortensen (R)
Rep. Zac Perry (D)
Rep. Matt Regier (R)
Rep. Lola Sheldon-Galloway (R)
Rep. Barry Usher (R)
Rep. Kirk Wagoner (R)

Members Excused:

Rep. Ellie Hill Smith (D)
Rep. Nate McConnell (D)
Rep. Shane A. Morigeau (D)

Members Absent: None

Staff Present: Sara Fleming, Committee Secretary
Helen Thigpen, Legislative Branch

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: HB 560, 2/24/2017
Executive Action: HB 351, HB 438, HB 560, HB 553, HB 536, HB 556, HB 545,
HB 542, HB 518, HB 426, HB 537

Committee Business:

00:01:13 Chair Doane

EXECUTIVE ACTION ON HB 351

00:03:04 **Motion/Vote:** Rep. Berglee moved that **HB 351 BE REMOVED FROM TABLE.**
Motion carried unanimously by those present and voting

00:03:47 **Motion:** Rep. Berglee moved that **HB 351 DO PASS.**

Discussion:

00:03:53 Helen Thigpen, Legislative Services Division (LSD)

00:06:00 **Motion:** Rep. Berglee moved that **HB 351 BE AMENDED.**
[**EXHIBIT\(juh43a01\)**](#)

Discussion:

00:06:11 Rep. Wagoner

00:06:37 Rep. Kelker

00:07:34 Chair Doane

00:07:47 **Vote:** Motion carried unanimously by voice vote. Rep. Hill Smith, Rep. McConnell and Rep. Morigeau voted by proxy.

00:08:16 **Motion/Vote:** Rep. Berglee moved that **HB 351 DO PASS AS AMENDED.**
Motion carried 18-1 by voice vote with Rep. M. Regier voting no. Rep. Hill Smith, Rep. McConnell and Rep. Morigeau voted by proxy.

EXECUTIVE ACTION ON HB 438

00:09:16 **Motion:** Rep. Berglee moved that **HB 438 BE RECONSIDERED.**

00:09:32 Chair Doane

00:10:01 **Vote:** Motion carried 10-9 by roll call vote with Rep. Bishop, Rep. Court, Rep. Eck, Rep. Hill Smith, Rep. Kelker, Rep. Manzella, Rep. McConnell, Rep. Morigeau and Rep. Perry voting no. Rep. Hill Smith and Rep. Morigeau voted by proxy.

00:11:34 **Motion:** Rep. Berglee moved that **HB 438 DO PASS.**

Discussion:

00:12:18 Rep. Sheldon-Galloway

00:12:31 Helen Thigpen, LSD

00:12:46 Rep. Eck

00:15:52 Chair Doane

00:15:59 Helen Thigpen, LSD

00:16:18 Chair Doane

00:16:25 Rep. Eck

00:17:13 Rep. McConnell joined the meeting

00:17:21 Chair Doane
00:17:43 Rep. Wagoner
00:18:08 Chair Doane
00:18:33 Rep. Court

00:19:39 **Motion:** Rep. Doane moved that **HB 438 BE AMENDED.**
[EXHIBIT\(juh43a02\)](#)

00:20:02 **Vote:** Motion carried 18-1 by voice vote with Rep. M. Regier voting no. Rep. Hill Smith and Rep. Morigeau voted by proxy.

00:20:30 **Motion:** Rep. Berglee moved that **HB 438 DO PASS AS AMENDED.**

Discussion:

00:20:52 Rep. Harris
00:21:49 Rep. Morigeau joined the meeting
00:22:25 Rep. Wagoner
00:22:39 Helen Thigpen, LSD
00:23:11 Rep. Eck
00:23:53 Rep. Harris
00:25:16 Rep. Kelker
00:25:35 Helen Thigpen, LSD
00:27:13 Rep. Wagoner
00:28:10 Chair Doane
00:28:18 Rep. Usher
00:29:35 Rep. Bishop
00:30:11 Helen Thigpen, LSD
00:30:30 Rep. Bishop
00:30:52 Chair Doane
00:31:06 Rep. Bishop
00:31:16 Rep. Eck
00:32:08 Rep. Harris

00:33:13 **Motion:** Rep. Harris moved that **HB 438 BE AMENDED.**
[EXHIBIT\(juh43a03\)](#)

Discussion:

00:33:38 Chair Doane
00:33:45 Helen Thigpen, LSD
00:34:54 Rep. C. Knudsen
00:35:15 Helen Thigpen, LSD
00:35:31 Chair Doane
00:35:46 Helen Thigpen, LSD
00:35:55 Chair Doane
00:36:25 Rep. B. Brown
00:37:11 Chair Doane

00:37:19 **Vote:** Motion failed unanimously by voice vote. Rep. Hill Smith voted by proxy.

00:37:51 **Motion:** Rep. Court moved that **HB 438 BE TABLED**. Motion was without objection.

00:38:02 Rep. Eck left the meeting

HEARING ON HB 560

Opening Statement by Sponsor:

00:38:25 Rep. Shane Morigeau (D), HD 95, opened the hearing on HB 560, Require disclosure of tax return by candidates for office.

Proponents' Testimony:

00:43:06 Claudette Morton, League of Women Voters

Opponents' Testimony: None

Informational Testimony:

00:43:51 Commissioner Jonathan Motl, Commissioner of Political Practices (COPP)

Questions from Committee Members and Responses:

00:45:22 Rep. Regier
00:45:35 Rep. Morigeau
00:46:34 Rep. Regier
00:46:39 Rep. Morigeau

Closing by Sponsor:

00:47:17 Rep. Morigeau

EXECUTIVE ACTION ON HB 560

00:53:11 **Motion/Vote:** Rep. Berglee moved that **HB 560 BE TABLED**. Motion carried 12-7 by roll call vote with Rep. Bishop, Rep. Court, Rep. Eck, Rep. Hill Smith, Rep. Kelker, Rep. McConnell and Rep. Morigeau voting no. Rep. Eck and Rep. Hill Smith voted by proxy.

EXECUTIVE ACTION ON HB 553

Discussion:

00:54:40 Helen Thigpen, LSD

00:54:58 **Motion:** Rep. Berglee moved that **HB 553 DO PASS**.

Discussion:

00:55:06 Rep. Bishop
00:55:51 Rep. Harris
00:56:18 Chair Doane
00:56:56 Rep. Berglee
00:57:27 Rep. Eck joined the meeting
00:57:57 Rep. Court
00:58:56 Rep. McConnell

- 01:00:03 Rep. Usher
01:00:41 Rep. B. Brown
- 01:01:24 **Vote:** Motion failed 7-12 by roll call vote with Rep. Berglee, Rep. B. Brown, Rep. Doane, Rep. Harris, Rep. Mortensen, Rep. M. Regier and Rep. Sheldon-Galloway voting aye. Rep. Hill Smith voted by proxy.
- 01:02:37 **Motion:** Rep. Court moved that **HB 553 BE TABLED**. Motion was without objection.

EXECUTIVE ACTION ON HB 536

Discussion:

- 01:03:12 Helen Thigpen, LSD
- 01:03:40 **Motion:** Rep. Berglee moved that **HB 536 DO PASS**.

Discussion:

- 01:03:46 Rep. Kelker
01:03:58 Rep. Court
01:06:09 Rep. Harris
01:07:13 Rep. Manzella
01:09:45 Rep. Usher
01:10:58 Rep. Morigeau
01:13:25 Chair Doane
- 01:13:32 **Vote:** Motion carried 10-9 by roll call vote with Rep. Bishop, Rep. Court, Rep. Eck, Rep. Hill Smith, Rep. Kelker, Rep. C. Knudsen, Rep. McConnell, Rep. Morigeau and Rep. Perry voting no. Rep. Hill Smith voted by proxy.

EXECUTIVE ACTION ON HB 556

Discussion:

- 01:14:43 Helen Thigpen, LSD
- 01:15:11 **Motion/Vote:** Rep. Berglee moved that **HB 556 BE TABLED**. Motion carried 10-9 by roll call vote with Rep. Bishop, Rep. Court, Rep. Eck, Rep. Hill Smith, Rep. Kelker, Rep. McConnell, Rep. Morigeau, Rep. Perry and Rep. Wagoner voting no. Rep. Hill Smith voted by proxy.

EXECUTIVE ACTION ON HB 545

Discussion:

- 01:16:37 Helen Thigpen, LSD
- 01:16:48 **Motion/Vote:** Rep. Berglee moved that **HB 545 BE TABLED**. Motion carried 11-8 by roll call vote with Rep. Bishop, Rep. Court, Rep. Eck, Rep. Hill Smith, Rep. Kelker, Rep. McConnell, Rep. Morigeau and Rep. Perry voting no. Rep. Hill Smith voted by proxy.

EXECUTIVE ACTION ON HB 542**Discussion:**

01:18:04 Helen Thigpen, LSD

01:18:28 **Motion/Vote:** Rep. Berglee moved that **HB 542 BE TABLED**. Motion carried 10-9 by roll call vote with Rep. Bishop, Rep. Court, Rep. Eck, Rep. Hill Smith, Rep. Kelker, Rep. McConnell, Rep. Morigeau, Rep. Mortensen and Rep. Perry voting no. Rep. Hill Smith voted by proxy.

EXECUTIVE ACTION ON HB 518**Discussion:**

01:19:43 Helen Thigpen, LSD

01:20:39 **Motion:** Rep. Berglee moved that **HB 518 DO PASS**.

01:20:46 **Motion/Vote:** Rep. McConnell moved that **HB 518 BE AMENDED**. Motion carried unanimously by voice vote. Rep. Hill Smith voted by proxy.

[EXHIBIT\(juh43a04\)](#)

01:22:21 **Motion:** Rep. Berglee moved that **HB 518 DO PASS AS AMENDED**.

01:22:32 **Motion:** Rep. McConnell moved that **HB 518 BE AMENDED**.
[EXHIBIT\(juh43a05\)](#)

Discussion:

01:22:54 Rep. McConnell

01:23:32 **Vote:** Motion carried unanimously by voice vote. Rep. Hill Smith voted by proxy.

01:23:48 **Motion:** Rep. Berglee moved that **HB 518 DO PASS AS AMENDED** Rep. Berglee moved do pass as amended

Discussion:

01:23:58 Rep. C. Knudsen

01:24:53 Rep. Mortensen

01:25:00 Rep. McConnell

01:25:19 Chair Doane

01:25:54 **Vote:** Motion failed 8-11 by roll call vote with Rep. Bishop, Rep. Court, Rep. Eck, Rep. Hill Smith, Rep. Kelker, Rep. McConnell, Rep. Morigeau and Rep. Perry voting aye. Rep. Hill Smith voted by proxy.

01:26:58 **Motion:** Rep. Court moved that **HB 518 BE TABLED**. Motion was without objection.

EXECUTIVE ACTION ON HB 426

01:27:25 **Motion/Vote:** Rep. Court moved that **HB 426 BE REMOVED FROM TABLE**. Motion carried 14-4 by roll call vote with Rep. Berglee, Rep. B. Brown, Rep. C. Knudsen and Rep. Wagoner voting no. Rep. Hill Smith was excused.

Discussion:

01:29:35 Thigpen, LSD

01:30:43 **Motion:** Rep. Berglee moved that **HB 426 BE AMENDED**.

EXHIBIT(juh43a06)

Discussion:

01:30:53 Chair Doane

01:31:11 Rep. Wagoner

01:31:22 Helen Thigpen, LSD

01:31:56 Chair Doane

01:32:17 Rep. Wagoner

01:32:24 **Vote:** Motion carried 18-1 by voice vote with Rep. M. Regier voting no. Rep. Hill Smith voted by proxy.

01:32:54 **Motion/Vote:** Rep. Berglee moved that **HB 426 DO PASS AS AMENDED**. Motion carried 16-3 by roll call vote with Rep. B. Brown, Rep. C. Knudsen and Rep. M. Regier voting no. Rep. Hill Smith voted by proxy.

EXECUTIVE ACTION ON HB 537

01:34:11 **Motion/Vote:** Rep. McConnell moved that **HB 537 BE REMOVED FROM TABLE**. Motion carried 11-7 by roll call vote with Rep. B. Brown, Rep. Harris, Rep. C. Knudsen, Rep. M. Regier, Rep. Sheldon-Galloway, Rep. Usher and Rep. Wagoner voting no. Rep. Hill Smith was excused.

Discussion:

01:36:32 Rep. McConnell

01:37:48 Rep. Usher

01:38:09 Rep. McConnell

01:38:15 **Motion/Vote:** Rep. Berglee moved that **HB 537 DO PASS**. Motion carried 13-6 by roll call vote with Rep. B. Brown, Rep. Harris, Rep. C. Knudsen, Rep. M. Regier, Rep. Usher and Rep. Wagoner voting no. Rep. Hill Smith voted by proxy.

EXECUTIVE ACTION ON HB 438

01:39:45 **Motion/Vote:** Rep. Harris moved that **HB 438 BE REMOVED FROM TABLE**. Motion failed 6-12 by roll call vote with Rep. Berglee, Rep. Harris, Rep. Mortensen, Rep. M. Regier, Rep. Sheldon-Galloway and Rep. Usher voting aye. Rep. Hill Smith was excused.

ADJOURNMENT

Adjournment: 01:43:17

Sara Fleming, Secretary

sf

Additional Documents:

EXHIBIT([juh43aad.pdf](#))